

## REMARKS

Claims 1-23 are pending in the application. Claims 1-23 have been rejected and are currently under consideration. New claims 24-26 have been added.

Reconsideration and allowance are respectfully requested.

### **Claim Rejections Under 35 U.S.C. §103(a)**

The Office has rejected claims 1-23 as being unpatentable over Sohne et al. (Patent No. 6,397,333) in view of Stefik et al. (Patent No. 6,236,971) or Epstein (Patent No. 6,601,046). The Examiner states, in part:

Regarding claim 1, Sohne et al (See Figs. 1 and 2, Col. 1, lines 10-35, Col. 2, lines 40-60, claim 1-7) disclose method for protecting digital media from unauthorized copying by receiving unique device identifier from a playback device and generating means which would allow playback of said media on that specific device substantially as claimed. The differences between the above and the claimed invention is the use of specific ticket terminology. It is noted that it is believed that the claim limitations as constructed read on any of the cited prior art which limits use of media to a specific device. Stefik et al (See Col. 3, lines 5-10 and Col. 4, lines 10-50) or Epstein (Fig. 1 and 3, Col. 65, lines 10-45) show a copy protection system having tickets with hashing to prevent unauthorized use of media. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Sohne et al because the copy prevention means are conventional functional equivalents with respect to the claim limitations.

Applicants respectfully traverse the Examiner's rejection. Claim 1 recites, in part:

generating a ticket based on the device identifying information, wherein the ticket is redeemable for the one or more selected media files and the media files are formatted so that they can only be rendered on the particular playback device. (Emphasis added.)

Sohne describes, in part:

In other words, the invention describes a method in which the device that is to receive data monitors the authorization of the data set to be written by way of a signature, before the data on the device are released for read-out. The signature-check is combined with data enciphering, so that

only authenticated data are delivered, in cipher form, from the device to the consuming unit (host). (Col. 3, lines 23-30.)

A part of the signature is a device-specific, non-copyable feature (e.g., the serial number of the device) that identifies each device unambiguously. (Col. 3, lines 31-33.)

The device authenticates the data set by way of the signature against its serial number and the public key. The public/private key pair corresponds to a master key that applies to all devices. The device allows writing of only those data that are provided with the valid signature. (Col. 3, lines 38-43.)

Copying of an encoded data set from a device with the protection method to a device in which the (same) protection method is not implemented is possible. However, the data set is not useable because the encryption is device-dependent. (Col. 3, line 66 to col. 4, line 3; emphasis added.)

Sohne fails to teach or suggest “generating a ticket based on the device identifying information, wherein the ticket is redeemable for the one or more selected media files”. As quoted above, Sohne describes the use of a signature containing device-specific information in order to prevent use of the data. Sohne fails to teach or suggest the generation of a ticket that is redeemable for one or more media files.

Neither Stefik nor Epstein cure the deficiencies of the Sohne. Stefik describes, in part:

A system for controlling the distribution and use of digital works using digital tickets is disclosed. A ticket is an indicator that the ticket holder has already paid for or is otherwise entitled to some specified right, product or service. In the present invention, a "digital ticket" is used to enable the ticket holder to exercise usage rights specifying the requirement of the digital ticket. Usage rights are used to define how a digital work may be used or distributed. (Col. 4, lines 7-14.)

Applicants are unable to locate anywhere in the lengthy specification of Stefik a description of “generating a ticket based on the device identifying information, wherein the ticket is redeemable for the one or more selected media files”.

Epstein describes, in part:

Illustrated in FIG. 1, the playback device 300 includes a ticket extractor 330 and watermark extractor 340. Generally, a watermark is a characteristic that is embedded within content material such that a removal of the watermark cannot be effected without destroying or substantially degrading the content material. As presented in copending U.S. patent application, "Copy Protection by Ticket Encryption", Ser. No. 09/333,628, filed Jun. 15, 1999 for Michael A. Epstein, incorporated by reference herein, a ticket that controls access rights to the content material can be associated with the watermark, typically via a one-way hashing function. Rules are provided for determining the validity of the ticket, based on a comparison with a hashed, or multiply hashed, value of the watermark. If the content material 125' contains a watermark but does not contain a valid ticket, the authorization device 360 prohibits its rendering 361, regardless of the validity of the above described usage measures. In this manner, illicitly obtained content material 125 cannot be recorded onto recording media 200 that contain valid usage measures and parameters. (Col. 6, lines 11-30; emphasis added.)

In Epstein, the ticket extractor is provided on the playback device 300; the ticket is not redeemed for one or more selected media files. As with Sohne and Stefik, Applicants are unable to locate anywhere in Epstein a description of "generating a ticket based on the device identifying information, wherein the ticket is redeemable for the one or more selected media files".

Because the references cited by the Examiner fail to teach or suggest all of the elements of claim 1, a *prima facie* case of obviousness of claim 1 has not been established. Accordingly, Applicants request withdrawal of the Examiner's rejection of claim 1 and dependent claims 2-12 under 35 U.S.C. § 103.

Claim 13 recites, in part:

receiving a ticket redeemable for one or more media files, the ticket including device identifying information for a particular playback device to which the media files are to be transferred;

receiving device identifying information from the particular playback device to which the media files are to be transferred;

validating the ticket using the device identifying information included in the ticket and the device identifying information from the particular playback device;

formatting the one or more selected media files for the particular playback device if the ticket is valid; and

transferring the one or more formatted media files from the content server to the particular playback device.

(Emphasis added.)

For at least the reasons given above with respect to claim 1, the cited references fail to establish a *prima facie* case of obviousness of claim 13 and its dependent claims 14-21. Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 13-21.

Claim 22 recites, in part:

means for receiving device identifying information for the particular playback device; and

means for generating a ticket based on the device identifying information, wherein the ticket is redeemable for the one or more selected media files and the media files are formatted so that they can only be rendered on the particular playback device.

(Emphasis added.)

Claim 23 recites, in part:

means for receiving a ticket redeemable for one or more media files the ticket including device identifying information for a particular playback device to which the media files are to be transferred;

means for receiving device identifying information from the particular playback device to which the media files are to be transferred;

means for validating the ticket using the device identifying information included in the ticket and the device identifying information from the particular playback device;

means for formatting the one or more selected media files for the particular playback device if the ticket is valid; and

means for transferring the one or more formatted media files from the content server to the particular playback device.

(Emphasis added.)

For at least the reasons given above with respect to claim 1, the cited references fail to establish a *prima facie* case of obviousness of claims 22 and 23. Applicants respectfully requests withdrawal of the Examiner's rejection and allowance of claims 22 and 23.

In addition to the above-described reasons, Claim 12 recites, in part:

wherein generating a ticket comprises generating a ticket representing a downloadURL to the content server, the downloadURL including device identifying information.

Applicants have also added new claims 22-25, which recite, in part: "the ticket comprises a URL for downloading the selection of media files from the content server".

None of the cited references teach or suggest the elements of claims 12 and 22-25.

Accordingly, Applicants further request withdrawal of the Examiner's rejection of claim 12 and allowance of claims 12 and 22-25.

### CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Should the Examiner have any questions, the Examiner is invited to call the undersigned Attorney for Applicants at (408) 392-9250.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or fees due in connection with this document to Deposit Account No. 50-2257 referencing docket no. M-15644 US.

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Respectfully submitted,



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